

**IN THE LABOUR COURT OF SOUTH AFRICA**

**HELD AT CAPE TOWN**

**CASE NO: C 523/01**

Date: 23 January 2003

In the matter between:

**NATIONAL UNION OF METALWORKERS OF SOUTH AFRICA**

Applicant

and

**Gabriels (Pty) Ltd**

Respondent

**JUDGMENT**

**NTSEBEZA, AJ:**

- [1] In this matter there is an application by the respondent in terms of the notice of motion dated 7 November 2002 in which the respondent is seeking an order that I should direct the applicants to pay its costs of suit jointly and severally the one paying, the other to be absolved, such costs to exclude the costs of the exception decided on 2 September 2002.
- [2] There is obviously a history to this matter but in the view that I take, I do not consider that it is necessary for me to venture into the history. I do so with

confidence because Mr Vazi, who is the NUMSA representative and who appeared for the union, has also indicated that the first applicant (respondent in these proceedings) is not opposing the respondent's prayer for the relief sought in the notice of motion referred to hereinabove.

[3] In the circumstances and having heard counsel for respondent, I order as follows:

3.1 The applicants in the main case are ordered to pay the respondent's costs of suit, jointly and severally, one paying the other to be absolved, such costs to exclude the costs of the exception decided on 2 September 2002.

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**D B NTSEBEZA**

Acting Judge of the Labour Court of South Africa

Date of Hearing: .....

Date of Judgment: **23 JANUARY 2003**

For the Applicant: **NIKKITA VAZI**

Instructed by: **NUMSA**  
**SALT RIVER**